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instrument must show a fair and *bona fide* statement of the case. *Pacific Land Asso. et al v. Hunt*, 105 Cal. 202.

HIGHWAYS—WATER MAINS—ADDITIONAL SERVITUDE.—BALTIMORE CO. WATER AND ELECTRIC CO. v. DURREUIL, 66 ATL. (MD.). 439.—*Held*, that the only right the public acquires in an ordinary country highway, the fee of which is in the abutting owner, is the easement of passage and its incidents, and the laying of water pipes therein is an additional servitude.

In the use of streets for public purposes the rule is said to be that the rights of the abutter, as between him and the public, are substantially the same whether the fee is in him subject to the public use or is in the city in trust for street purposes. *Barney v. Koebuck*, 94 U. S. 324-340; *Mollandin v. Union Pacific Ry. Co.*, 14 Fed. 394. The law presumes that when men lay out land and dedicate it to the public for street purposes they contemplate the use of the street for all such usages as may arise in the course of time. *Magee v. Overshiner*, 150 Ind. 127; *Cater v. No. Tel. Ex. Co.*, 60 Minn. 539. It has been held in some cases that when the public acquires a street, it may be used for all street purposes consistent with the proper use of a street. *Julia Bld. Asso. v. Bell Tel. Co.*, 88 Mo. 258; *Parsons v. Waterville and Oakland St. Ry.*, 101 Me. 173. A distinction has been recognized, however, between the use of rural or country highways and the use of streets in cities and towns. *Kincaid v. Ind. Nat. Gas Co.*, 124 Ind. 577; *Penn. Ry. Co. v. Mont. Co. Pass. R. Co.*, 167 Pa. St. 62. *Contra*, *Lincoln v. Comm.*, 164 Mass. 1; *Hardman v. Cabot*, 7 L. R. A. (new series) 506. These courts hold that in the ordinary country highway the easement is one of passage merely. *Sterling's Appeal*, 111 Pa. St. 35; *Mackenzie's Case*, 74 Md. 47. And does not include the permanent and exclusive appropriation of any part thereof by the laying of water pipes, gas pipes, and the like. *Consumers Gas Trust Co. v. Hunt-singer*, 14 Ind. App. 156; *Ward v. Triple St. Nat. Gas Co.*, 25 Ky. L. Rep. 116.

MASTER AND SERVANT—NEGLIGENCE OF SERVANT—SCOPE OF EMPLOYMENT.—BAMBERG v. INTERNATIONAL RY. CO., 103 N. Y. SUPP. 297. Plaintiff, a passenger on an open street car, was injured by the pole of a wagon belonging to defendant being driven into the car in a collision at a street crossing. The driver of the wagon disobeyed instructions, and permitted a boy to drive the team prior to the collision. The boy drove the team at a trot toward the crossing, and, seeing he was unable to stop in time to prevent the collision, called to the driver, who seized the reins, which had been at all times within his reach, but was unable to stop in time. *Held*, that the boy at the time of the accident, though not within the employ of the defendants, was engaged in their business, and that they were therefore liable, both for his negligence and the negligence of the driver.

MUNICIPAL CORPORATIONS—POLICE POWER—TRADING STAMPS.—CITY AND COUNTY OF DENVER v. FRUEAUFF, 88 PAC. 389 (COL.).—*Held*, that an ordinance forbidding any gift enterprise, defined to include the giving of any trading stamp or other device which shall entitle the purchaser of property to receive from any person or corporation other than the vendor any property other than that actually sold, is not justifiable as an exercise of the police power.

MUNICIPAL CORPORATIONS—PUBLIC IMPROVEMENTS—SUFFICIENCY OF BIDS.—STIMSON v. HANLEY, 90 PAC. 945 (CAL.).—*Held*, that where bids were